

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Case No. 07-5944 JST  
MDL No. 1917

This Document Relates to:  
Case No. 13-cv-1173-JST (N.D. Cal.)  
SHARP ELECTRONICS CORPORATION;  
SHARP ELECTRONICS  
MANUFACTURING COMPANY OF  
AMERICA, INC.,  
Plaintiffs,  
v.  
HITACHI, LTD., *et al.*,  
Defendants.

**[PROPOSED] ORDER GRANTING  
THE TOSHIBA DEFENDANTS'  
MOTION TO CONTINUE TRIAL  
SUBPOENA AND ISSUE ADVERSE  
JURY INSTRUCTION IN THE  
EVENT OF A FAILURE TO APPEAR  
AT TRIAL**

[PROPOSED] ORDER GRANTING THE TOSHIBA DEFENDANTS'  
MOTION TO CONTINUE TRIAL SUBPOENA AND ISSUE ADVERSE  
JURY INSTRUCTION IN THE EVENT OF A FAILURE TO APPEAR AT TRIAL

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1 Having considered the Toshiba Defendants' Motion to Continue Trial Subpoena and  
2 Issue Adverse Jury Instruction in the Event of a Failure to Appear at Trial (the "Toshiba  
3 Defendants' Motion"), as well as all papers filed in support of and in opposition to such  
4 motion and counsel's oral arguments, and good cause appearing, IT IS HEREBY:

5 ORDERED that the Toshiba Defendants' Motion is GRANTED. The trial subpoena  
6 served on Nobuo Harada shall remain in full force and effect and shall compel the attendance  
7 of said witness on the new trial date of March 6, 2017; it is further

8 ORDERED that, in the event that Mr. Harada fails to appear to testify at the March 6,  
9 2017 trial, an adverse missing witness jury instruction shall be issued instructing the jury to  
10 infer that his testimony would have been unfavorable to Sharp Electronics Corporation and  
11 Sharp Electronics Manufacturing Company of America, Inc.

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15 **IT IS SO ORDERED.**

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17 Dated: \_\_\_\_\_

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HONORABLE JON S. TIGAR  
UNITED STATES DISTRICT JUDGE

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